



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop Patent Application

December 18, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 37 CFR 1.53(b) are the specification and claims of the nonprovisional patent application of:

Masashi HIROKAWA

Inventor(s)

APPARATUS AND METHOD OF TRANSMITTING PERFORMANCE MEASUREMENTS
DATA TO A CONTROL CENTER

Title of Invention

APPLICATION ELEMENTS ENCLOSED:

1. X Specification, total pages 23 including:
 - a. 9 pages of claims (1-42)
 - b. 1 page(s) Abstract
2. X 6 sheets of informal X formal drawings (Figs. 1-7)
3. X Oath or declaration of Applicant(s) (4 total pages)
 - a. Newly executed (original)
 - b. Unexecuted
 - c. X Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Item 14 completed)
4. Deletion of Inventor(s)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
5. X Incorporation By Reference
The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference herein.
6. Microfiche Computer Program (Appendix)

APPLICATION PARTS ENCLOSED:

7. An assignment (cover sheet & document(s))
8. 37 CFR 3.73(b) Statement (*when there is an assignee*)
9. X Power of Attorney
 - a. Newly executed (original)
 - b. Unexecuted
 - c. X Copy from a prior application

10. X Information Disclosure Statement (IDS)/PTO-1449
____ Copies of IDS Citations
11. X A Preliminary Amendment
12. X Return Receipt Postcard (MPEP 503)
13. ____ Applicant(s) hereby establish small entity status under 37 C.F.R. §1.9 and §1.27
14. X If a Continuing Application, *check the appropriate box and supply the requisite information:*
X Continuation of prior application No.: 09/159,217 filed September 23, 1998.
____ Divisional of prior application No.: _____ filed _____
____ Continuation-in-part (CIP) of prior application No.: _____ filed _____
15. X Amend the specification by inserting before the first line of page one: --This is a Rule 1.53(b) continuation, and claims the benefit of priority, of application Serial No. 09/159,217 filed September 23, 1998.--
16. X Priority of application No. 9-278036 filed in Japan on September 26, 1997. Applicant hereby claims priority under 35 U.S.C. §119.
____ A certified copy of priority application Nos. _____ will be submitted in due course.
X A certified copy of priority application No. 9-278036 has been filed in prior application S.N. 09/159,217 filed September 23, 1998.
17. ____ Other (identify) _____

The filing fee is calculated as follows:

CLAIMS AS FILED, LESS ANY CLAIMS CANCELLED BY AMENDMENT

					Rate			Fee	
	Number Filed		Number Extra*		Small Entity	Other Entity		Small Entity	Other Entity
Total Claims	12-20	=	0	x	\$9	\$18	=	\$	\$0
Indep. Claims	12-3	=	9	x	\$43	\$86	=	\$	\$774.00
Multiple Dependent Claims Presented: Yes ____ No <u>X</u>					\$145	\$290	=	\$	\$0
If the difference in column 1 is less than zero, enter "0" in column 2					Basic Fee			\$385.00	\$770.00
					Total Fee			\$	\$1544.00


18. X A check in the amount of \$1544.00 to cover the filing fee.
19. A check in the amount of \$ for recordation of the Assignment.
20. X The Commissioner is hereby authorized to charge any additional fees which may be required in connection with the following or credit any overpayment to Deposit Account No. 03-3125.
- X Filing fees under 37 C.F.R. § 1.16.
- X Patent application processing fees under 37 C.F.R. §1.17.
- The issue fee set in 37 C.F.R. §1.18 at or before mailing of the Notice of Allowance, pursuant to 37 C.F.R. §1.311(b).
21. X Three copies of this sheet are enclosed.
22. X Other (identify) Express Mail Certificate of Mailing bearing label no. EV325706720US.

CORRESPONDENCE ADDRESS:

Ivan S. Kavrukov
Registration No. 25,161
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
United States of Americas
Tel.: (212) 278-0400
Fax: (212) 391-0525

Respectfully submitted,

December 19, 2003
Date


Paul Teng, Reg. No. 40,837
Attorney for Applicant
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, New York 10036
Tel.: (212) 278-0400

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Masashi HIROKAWA
Serial No. : [Rule 1.53(b) Contin. of 09/159,217] Group Art Unit: 2626
Date Filed : Concurrently Herewith Examiner: Mark E. Wallerson
For : APPARATUS AND METHOD OF TRANSMITTING PERFORMANCE
MEASUREMENTS DATA TO A CONTROL CENTER

Mail Stop Patent Application

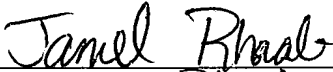
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

EXPRESS MAIL CERTIFICATE OF MAILING

Express Mail mailing label No.: EV325706720US
Date of Deposit: December 19, 2003

I hereby certify that the above-identified application (which is a Rule 1.53(b) continuation of S.N. 09/159,217 filed September 23, 1998), consisting of a 3-page continuation application transmittal (in triplicate), copy of parent application S.N. 09/159,217 [including 23-page specification and 6 sheets of formal drawings (Figs. 1-7)], copy of the Declaration and Power of Attorney in the parent application S.N. 09/159,217, Preliminary Amendment, Information Disclosure Statement (including Form PTO-1449), a check for the \$1,544.00.00 filing fee and a return stamped postcard are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


Jamel Rhaab
Mail Room Employee
Depositing Express Mail Material

Attorneys for Applicant:
IVAN S. KAVRUKOV, Reg. No. 25,161
PAUL TENG, Reg. No. 40,837
Cooper & Dunham LLP
1185 Avenue of the Americas
New York, NY 10036
Tel: 212-278-0400